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**From:** Malm, Sylvia  
**Sent:** Tue 7/29/2014 7:11:50 PM  
**Subject:** FW: Enhancing Consistency in SDWA Aquifer Exemption Review and Approvals  
[WDD Memo on Aquifer Exemptions 7-24-14.pdf](#)

FYI

**From:** Tiago, Joseph  
**Sent:** Tuesday, July 29, 2014 3:11 PM  
**To:** OW-OGWDW Prevention Program  
**Subject:** FW: Enhancing Consistency in SDWA Aquifer Exemption Review and Approvals

Hi,

Some of you asked for Peter's AE memo to the WDDs – Here it is...

**From:** Grevatt, Peter  
**Sent:** Thursday, July 24, 2014 3:19 PM

**To:** Moraff, Kenneth; Matthews, Joan; Capacasa, Jon; Giattina, James; Hyde, Tinka; Honker, William; Flournoy, Karen; Hoskie, Sadie; Diamond, Jane; Opalski, Dan  
**Cc:** Sanelli, Diane; Bergman, Ronald; Stoner, Nancy; Clark, Becki; Corr, Elizabeth; Tiago, Joseph; Kopocis, Ken; Shapiro, Mike; Lopez-Carbo, Maria; Green, Holly  
**Subject:** Enhancing Consistency in SDWA Aquifer Exemption Review and Approvals

Hello All,

Please find attached to this email the final memo on enhancing implementation of SDWA aquifer exemption (AE) review and approvals, including the criteria for AEs and a checklist for the AE review and approval process.

Background:

AEs remove SDWA protections from an aquifer or portion of an aquifer to allow injection through a UIC well. AEs require EPA approval even where states have primacy for the UIC program. The number of AE requests have increased in the past few years due to resource extraction activities, and states have raised concerns about EPA consistency and approach.

Over the course of the last year, staff from EPA HQ, Regions 6, 7 and 8, and a number of key states participated in a work group organized by the Ground Water Protection Council (GWPC) to help bring greater clarity to the needs and expectations of EPA and states in approving AE requests. OGWDW also engaged Water Division Directors and staff in Region 6, 7, 8, and 9 in discussions of the key AE process improvements that were agreed on with the states and in the preparation of this memo.

The attached memo communicates the proposed process improvements we have identified through the GWPC work group and reaffirms EPA's role in the AE approval process. Key points include:

- o The need to provide consistency and predictability in the AE review process
- o Development of a simple outline and checklist for the AE approval process to be shared with state programs

- o Factors that are likely to make AE requests more complex (including in particular, nearby drinking water wells
- o A suggestion for an early consultation between the EPA Region and the state to discuss key issues related to AE requests that are likely to be more complex
- o A clear articulation that EPA's consideration of current underground sources of drinking water recognizes ground water movement
- o An identified path for dispute resolution with states if needed.

The factors for consideration in "future use" determinations are likely to require additional discussions between EPA HQ, the regions and states.

Please let me know if you would like to discuss any aspect of the aquifer exemption review and approval process, and thanks to Bill, Karen, Sadie and Jane, and all of the UIC branch chiefs for all of their assistance on this important issue!